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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/715,134

11/17/2003

Yvonne Sandoval

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35690

7590

09/19/2006

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EXAMINER

WALCZAK, DAVID J

ART UNIT

PAPER NUMBER

3751

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/715,134

Applicant(s)

SANDOVAL, YVONNE

Examiner

David J. Walczak

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) 7, 10 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 11-15 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/19/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION*****Election***

Applicant's election without traverse of Group I, Species I, Sub-species B in the reply filed on 7/31/06 is acknowledged. The Applicant contends that claims 1-9, 11-15, 21 and 22 are readable thereon, however, claim 7 does not read on the elected embodiment, i.e., elected Species I shown in Figure 1 does not have a handle coupled to an interconnecting member between the pads and claim 22 does not read on the elected embodiment because elected Sub-species B shown in Figures 7A-7C does not include horizontally adjustable top pads. Accordingly, claims 1-6, 8, 9, 11-15 and 21 will be examiner herein and claims 7, 10 and 22 are withdrawn from further consideration.

***Drawings***

The drawings are objected to because reference character 112 (see page 10, line 5) is not present in any of the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the

several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: On page 10, line 13, "60' " should be --60--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification has not adequately defined an embodiment wherein the rollers are coupled to the pads, i.e., the specification defines an embodiment wherein the rollers are coupled to the pad holders, but does not disclose that the rollers can be coupled to the pads.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. An antecedent basis for "top pads" (line 3) and "front pads" (line 4) should be defined. Currently, only "at least one" top pad and "at least one" front pad" have been defined.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9, 11, 12, 14, 15 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Weitz. In regard to claim 1, Weitz discloses an apparatus comprised of a plurality of pads 12, 14 and a handle 22 coupled to the pads wherein front surfaces of the pads are configured as claimed. It is noted that the statements of intended use, i.e., "for cleaning a baseboard of a wall" do not lend any patentable structure to the claims. Further, the Weitz device is capable of being used to clean baseboards. In regard to claim 2, Weitz discloses a liquid dispenser 16 adapted to provide liquid to one of the pads. In regard to claim 3, one of the pads is a sponge 12, the other is a dry pad 14. In regard to claim 4, the front surfaces of the pads are substantially in line with each other. In regard to claim 5, pad 12 defines a "front pad"

and pad 14 defines a "top pad". As discussed supra, statements of intended use do not lend any patentable structure to the claims. In regard to claim 6, as the pads are pivotable with respect to each other (see column 4, lines 49-67), the pads are adjustable with respect to each other. In regard to claim 9, pad 14 is considered to be "removable, reversible and washable". In regard to claim 11, the handle includes a grip end portion 20 angle with respect to an adjoining portion 22 of the handle. In regard to claim 12, as discussed above, the Weitz device includes the claimed structure. In regard to claim 14, the front surfaces of the pads are substantially in line with each other. In regard to claim 15, the liquid dispenser comprises a container 16 and a pump (see column 5, line 8). In regard to claim 21, the pivoting of the pads render the pads "vertically adjustable".

Claims 1, 4, 5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bradley (as cited by Applicant). In regard to claim 1, Bradley discloses an apparatus comprised of a plurality of pads 12 and a handle 11 coupled to the pads wherein front surfaces of the pads are configured as claimed, i.e, each front surface of the pads is configured to contact a baseboard during use. It is noted that the statements of intended use, i.e., "for cleaning a baseboard of a wall" do not lend any patentable structure to the claims. Further, the Weitz device is capable of being used to clean baseboards. In regard to claim 4, the front surfaces of the pads are substantially in line with each other. In regard to claim 5, one pad defines a "front pad" and the other pad defines a "top pad". As discussed supra, statements of intended use do not lend any

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patentable structure to the claims. In regard to claim 8, a roller 10 is coupled to the pads.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weitz.

The liquid dispenser supplies liquid to sponge 12. Although the Weitz reference does not disclose that pad 14 comprises a dry cloth, the Examiner takes official notice that such wiping pads are commonly formed from cloth in order to enable a user to effectively wipe a surface. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the pad 14 can be made from cloth, as opposed to the disclosed rubber or leather in order to enable a user to effectively wipe a surface, especially since the Weitz reference discloses that any suitable material can be used for pad 14 (see column 4, lines 44-48).


### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Yan, Studebaker et al., Keller, Pugh and Wambold references are cited for disclosing other cleaning elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Walczak whose telephone number is 571-272-4895. The examiner can normally be reached on Mon-Thurs, 6:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David J. Walczak  
Primary Examiner  
Art Unit 3751

DJW  
9/12/06